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TO RUEHC/SECSTATE WASHDC 6439  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
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RUCPDO/DEPT OF COMMERCE WASHDC  
RUEATRS/DEPT OF TREASURY WASHINGTON DC

UNCLAS SECTION 01 OF 02 SINGAPORE 000186

SENSITIVE  
SIPDIS

STATE FOR EEB/TPP/IPE TMCOWAN  
STATE PASS TO USTR FOR AUSTR WEISEL, DAUSTR BELL, AND JGROVES  
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TAGS: [KIPR](#) [ECON](#) [ETRD](#) [EINV](#) [USTR](#) [WTRO](#) [SN](#)

SUBJECT: SINGAPORE 2009 SPECIAL 301 REVIEW - RECOMMEND NO  
CHANGE IN STATUS

REF: A. STATE 8410  
[B](#). 08 SINGAPORE 1329  
[C](#). 08 SINGAPORE 198  
[D](#). 08 SINGAPORE 1168

[1](#)1. (SBU) Summary: In response to Ref A request, Post recommends maintaining Singapore's current Special 301 status in 2009, i.e., not on the Watch List. Singapore is committed to enhancing what is already one of Asia's strongest intellectual property regimes. The government continues to implement its IPR-related commitments under the U.S.-Singapore Free Trade Agreement (FTA), most recently amending its Copyright Law to address long-standing industry concerns regarding Internet "simulcasting" (ref B). The International Intellectual Property Alliance (IIPA) did not include a submission for Singapore in its 2009 filing, though it had included Singapore among its "special mention" filings in years past. We recommend continued use of the annual FTA review mechanism rather than the Special 301 process to address other IPR concerns that industry has raised. End Summary.

[1](#)2. (U) IIPA did not create a submission on Singapore for inclusion in the 2009 Special 301 review process, though in previous years it urged the USG to monitor developments in Singapore with regard to issues identified in IIPA's "special mention" filing. In 2008 IIPA identified three weaknesses in the laws covering IPR protections: Protection for non-interactive transmissions ("simulcasting"); parallel imports; and deterrent penalties for business end-user piracy.

Singapore Amends Copyright Law to Address "Simulcasting"

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[1](#)3. (SBU) Following the fourth annual review of the FTA in October 2008, Singapore amended its Copyright Law to address industry concerns regarding protections for certain non-interactive transmissions of broadcast signals, also known as "simulcasts" or "simulcasting" (ref B). Industry feedback to date suggests that Singapore broadcasters have taken the changes on board and are considering fee structures and other implementation issues. Post will continue to monitor developments and report comments from industry contacts as the change to the law is put into practice.

Parallel Imports

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[1](#)4. (SBU) IIPA chose not to file a submission in 2009 mentioning parallel imports, though it did so in 2008. At that time Post noted that parallel imports do not contravene Singapore's FTA commitments (ref C). Singapore amended its Patents Act to conform to the FTA, and imposes no other restrictions on parallel imports except for certain controlled substances.

## Deterrent Penalties for Business End-User Piracy

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15. (SBU) In 2008 IIPA voiced concerns that the penalties for willful infringement of copyrights were not sufficient to deter such violations and are not at the level required by the FTA. Post and USTR, during the most recent FTA review (ref D) and in other forums, have continued to encourage Singapore to apply penalties that will deter IPR violations. Industry contacts have not informed Post of any new cases in which a penalty was deemed too low to be a deterrent to infringement. Singapore continues to take steps to improve IPR protections and enforcement, and we will continue to monitor and report on GOS progress.

### Verizon Submission in 2009

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16. (SBU) Verizon included Singapore in its 2009 Special 301 submission, which indicated that Singapore does not adequately protect famous and well-known trademarks across different categories in accordance with the Paris Convention on Industrial Property. Post and Verizon legal counsel in Singapore were unaware prior to the filing that there were any such IPR-related issues here. Upon further investigation, Verizon's local legal counsel clarified that the issue arose because the Singapore statutory framework for trademark protection does not mirror the global standard listed in the World Intellectual Property Organization (WIPO) Convention. According to Verizon, further investigation is warranted to examine the apparent gap between the protections that Singapore provides for international trademarks and the protection provided by the laws of such countries as the United States and the United Kingdom. Post

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will continue to work with local Verizon contacts to determine and report how to address this issue with the GOS.

### Other Ongoing IPR-Related Issues

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17. (SBU) Singapore continues to have among the lowest rates of IPR infringing activity in Asia. It has a dedicated IP enforcement branch and conducts a range of outreach and educational activities to raise public awareness about IPR. That said there remain ongoing IPR issues that Post is addressing on a bilateral basis and within the framework of the FTA review process. Such issues include the need for more enforcement against transshipped counterfeit goods; greater cooperation with Internet Service Providers (ISPs) in addressing online piracy; and adequate protections for whistleblowers. We will continue to report on developments in these areas.

SHIELDS